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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,708	06/20/2001	Konstantin Youdenko	NL000373	4218

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

SHRADER, LAWRENCE J

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,708

Applicant(s)

YOUDENKO ET AL.

Examiner

Lawrence Shrader

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/20/2001; and 10/19/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date #6,10/19/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Priority

1. Acknowledgment is made of Applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), filed on 6/20/2001.

Information Disclosure Statement

2. The Information Disclosure Statement filed on 10/19/2001 is acknowledged and considered.

Oath/Declaration

3. The declaration filed on 9/24/2001 is acknowledged. However, the Applicant must disclose information material to patentability under 37 C.F.R. 1.56, not a portion of 37 C.F.R. 1.56 (in this case 1.56a). See 37 C.F.R. 1.61, which states the declaration must "state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56." A new oath/declaration is required.

Claim Objections

4. Claims 10, and 12 are objected to because of the following informalities:

Claims 10 and 12 appear to be intended as independent claims being an apparatus (claim 10) and a computer program product (claim 12), yet both refer back to the dependent claim 9. At

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this point the Examiner will assume both claims to be independent claims wherein claim 10 is an apparatus, and claim 11 is a method, both corresponding to the system of claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 – 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Racine, U.S.

Patent 4,811,243.

In regard to claim 1:

"A system for controlling a parameter, comprising programming means for programming said parameter, characterized in that the system comprises drawing means for enabling a user to create a drawing, the programming means being arranged for converting said drawing to a programming of said parameter."

Racine discloses a system for controlling a parameter and programming a parameter with a drawing means enabling the user to create a drawing, and the programming means for converting the drawing to a programming of the parameter (column 1, line 57 – column 2, line 8).

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In regard to claim 2, incorporating the rejection of claim 1:

"...each point of said drawing having an x-coordinate and a y-coordinate with respect to two orthogonal coordinate axes, said x-coordinate determining a point of time in said programming."

See Racine (column 1, line 57 – column 2, line 8).

In regard to claim 3, incorporating the rejection of claim 2:

"...the programming means being arranged for identifying a stroke in said drawing, and programming said parameter in accordance with at least one property of said stroke."

See Racine (column 1, line 57 – column 2, line 8).

In regard to claim 10 (an apparatus), it is rejected for the same corresponding reasons put forth in the rejection of claim 1 (a corresponding system).

In regard to claim 11 (a method), it is rejected for the same corresponding reasons put forth in the rejection of claim 1 (a corresponding system).

In regard to claim 12 (a computer program product), it is rejected for the same corresponding reasons put forth in the rejection of claim 1 (a corresponding system).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Racine, U.S.

Patent 4,811,243, in view of Gaertner, U.S. Patent 5,608,560.

In regard to claim 4, incorporating the rejection of claim 3:

"...the programming means being arranged for deriving a value of said parameter at a certain point of time from an y-coordinate and/or a thickness and/or a color of said stroke at the x-coordinate corresponding to said point of time."

Racine teaches an x-y coordinate pointer means to calculate parameters (column 1, lines 57 – 62), but does not identify the x-coordinate as corresponding to time. However, Gaertner discloses a device having a graphical parameter range setting with the x-coordinate as a time duration (e.g., Figures 3 and 4). Therefore, it would have been obvious to one skilled in the art to combine the Racine pointer coordinate system with the graphical user interface of Gaertner having a time duration coordinate, because the combination allows the setting of ranges of parameters by a pointing device other than a mouse as taught by Gaertner at column 5, lines 54 – 59.

9. Claims 5 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Racine, U.S.

Patent 4,811,243, in view of Gaertner, U.S. Patent 5,608,560 as applied to claim 4, and further in view of Gingras, U.S. Patent 4,236,084.

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In regard to claim 5, incorporating the rejection of claim 4:

"...said parameter being an ambient temperature, said value being a height of said ambient temperature."

In regard to claim 6, incorporating the rejection of claim 4:

"...said parameter being an audio and/or video presentation, said value being a sound level of said presentation."

In regard to claim 7, incorporating the rejection of claim 4:

"...said parameter being an audio and/or video presentation, said value being a category of said audio and/or video presentation."

In regard to claim 8, incorporating the rejection of claim 4:

"...said parameter being an ambient light, said value being an intensity of said ambient light."

In regard to claim 9, incorporating the rejection of claim 4:

"...the system being capable of controlling a plurality of parameters, the programming means being arranged for deriving an identity of said parameter from said y-coordinate and/or a thickness and/or a color of said stroke, and/or a label near said stroke."

Racine discloses a coordinate pointer system that generates a signal corresponding to the x-y coordinate of the pointer, but it does not identify the parameter as ambient temperature, a sound level, a category, ambient light, or a plurality of parameters. Gaertner discloses a temperature parameter, and a plurality of other parameters, but does not disclose ambient light, and sound. However, Gingras discloses a plurality of sensed parameters including, temperature, or any other parameter that can be converted to an electrical signal, thus covering all the parameters of claims 5 through 9. Therefore, it would have been obvious to one skilled in the art

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at the time the invention was made to combine the coordinate pointer system as taught by Racine with the graphical user interface of Gaertner having a time duration coordinate, further modified with the parameter sensor feature taught in the Gingras invention, because the combination provides the Gingras invention with a parameter programming means (a control module having an x-y coordinate pointer as taught by Racine and controlled over time as modified by Gaertner) for visually programming the states of the control signals as taught by Gingras at column 13, lines 38 – 40.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046. The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence Shrader
Examiner
Art Unit 2124

18 May 2004

Kakali Chaki
KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100